

U.S. Serial No. 09/882,849

Filed: June 15, 2001

AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION DATED 7/12/05

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REMARKS

This Amendment and Response amends claims 1, 2, 7, 11, 14, 22, 14, 22-23, 27, 41 and 43-46. Claims 1, 2, 7-12, 14-27, 41, 43-46 and 54-55 are pending in this application.

I. 35 U.S.C. § 102 Rejections**A. Haselwander**

The Action rejects claims 1, 7-12, 14-27, 41, 43-46, 48-49, 54 and 55 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,035,749 to Haselwander.

The Action continues to reject the current invention over Haselwander. In Haselwander, backing 16 of pile fabric 12 is fed from a curing oven or other accessory oven rollers 18, 20 and directed over a guide bar or nose bar 22 in the form of a roller. Col. 3, lines 2-11. In operation, spacing between successive rows of pile is opened as the pile fabric 12 is fed over the roller 22. Col. 4, lines 14-17. As the carpet is fed over roller 22 certain of the pile is compressed by jets of air while other of the pile is not affected. The pile which is compressed is not sheared, or is sheared less than the pile which is not compressed. Col. 4, lines 20-23.

The Action's "Response to Arguments" section states that "Haselwander shows the module being moved in a first direction per the first roller tangential to the roller, and then being rotated and moved in a second direction orthogonal to the first direction by the second roller." The section further states that "with respect to rotating, the claimed language has not made clear as to the orientation of rotation." According to the Action, the movement of the pile fabric as it is bent around the rollers of Haselwander meets the limitation of the previously-presented claims.

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As the pile fabric is moved through the Haselwander system, it is bent around the rollers, thereby opening the pile, in order to treat only portions of the pile fabric. In contrast, each of the pending claims of the application have been amended to provide that the module is treated without being bent. Thus, in contrast to Haselwander, which bends the pile fabric as it is moved across the rollers during treatment, the modules of the present invention remain substantially flat and are not bent during treatment. Applicants respectfully submit that the "orientation of rotation" of the present invention has now been made clear and that the claims as currently amended are not anticipated by, nor made obvious, by Haselwander and are thus in condition for allowance.

II. 35 U.S.C. § 103

A. Haselwander

Claims 2, 22-26 and 55 were rejected under 35 U.S.C. § 103 as being unpatentable over Haselwander. As detailed above, Haselwander does not teach nor suggest an apparatus or method of treatment in which the modules are treated without being bent. Thus, it can not anticipate, nor render obvious, the present invention. Applicants' assignee respectfully submits that the claims are in condition for allowance.

B. Haselwander in view of Moen

Claims 17, 21 and 27 were rejected under 35 U.S.C. § 103 as being unpatentable over Haselwander in view of Moen. As detailed above, neither Haselwander nor Moen, alone or in combination, teach or suggest the ability to either move the module or treating unit in two directions (one orthogonal to the other) or to rotate the module or treating unit without bending the module. Thus, they can not anticipate, nor render obvious, the present invention.

Applicants' assignee respectfully requests that this rejection be withdrawn.

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PETITION FOR TWO-MONTH TIME EXTENSION

Applicant hereby petitions that the period for responding to the Examiner's Action mailed on July 12, 2005 be extended for two months, up to and including December 12, 2005. The U.S. Patent and Trademark Office is authorized to charge the \$450 fee for a two month extension of time to Kilpatrick Stockton's American Express account. A PTO Form 2038 is attached. The undersigned attorney believes no further fees are due; however, the Commissioner is authorized to debit deposit account no. 11-0855 to the extent necessary if additional fees are due.

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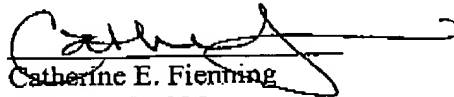
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CONCLUSION

A Petition for a Two Month Extension of Time and a Notice of Appeal are included in this submission. Also included is a PTO Form 2038 in the amount of \$950 to cover the extension fee (\$450) and the appeal fee (\$500). No additional fees are believed due; however, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment to Deposit Account No. 11-0855.

Applicants' Assignee respectfully submits that claims 1-2, 7-12, 14-27, 41, 43-46 and 54-55 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact Ms. Fienning at 404.532.6938.

Respectfully submitted,



Catherine E. Fienning

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